

REMARKS

By the Office Action, pending Claims 1-83 have been subjected to a three part restriction requirement as follows:

Claims 1-75, 80 and 81 (Group I) drawn to a composite particle (classified in class 502/400); and

Claims 76-79 (Group II) drawn to a method for forming a composite particle (classified in class 502/400); and

Claims 82 and 83, (Group III) drawn to a method of using a litter composition, classified in class 119/171.

It was contended that the inventions of Groups I & II are distinct because:

“...the claimed product (of Group I) can be made by extrusion or fluid bed processing.”

It was further contended that the inventions of Groups I and III are distinct because the process for using the product can be “practiced with sand, clay or shredded paper;” and that the product as claimed can be “used as an air filtration product.”

With respect to Groups I and II, Applicants' invention is directed to a composite particle (suitable for use as an animal litter) and a method for forming the composite particle. The composition limitations of generic Claim 1 are all present in method Claim 76, thus it cannot be said that the method can be used to form a different particle. Additionally, method Claim 76 requires an agglomeration step. Thus, while an extrusion step could be added, such a step would remain within the scope of the present method claim, and therefore would not be materially different. Moreover, Applicant notes that fluid bed processing can be a type of agglomeration as well.

Finally, it is noted that the claims of Groups I and II are each classified in class 502, subclass 400, further evidencing identity between the two.

It was further contended that the inventions of Groups II and III are unrelated.

Applicants hereby provisionally elect, with traverse, to prosecute Claims 1-75, 80 and 81 comprising Group I. By the election it is understood that Applicant neither agrees nor disagrees with the Examiner's characterization of the above-identified patentably distinct inventions and species. Applicant's election is intended merely to expedite the prosecution in this case.

Claim 1 was deemed to be generic by the Examiner with respect to: absorbent material; performancing-enhancing additive; and means of dispersal of active. The Examiner required the election of a single species of core material; however Applicant notes that a core material is not an element of an independent claim therefore election of a species thereof should not be a requirement in response to the restriction.

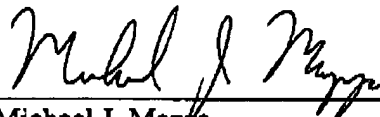
CONCLUSION

Applicants have responded to the Examiner's request for restriction by provisionally electing to prosecute Claims 1-75, 80 and 81 (Group I), for examination purposes, and do so with traverse. Applicants have addressed the cited basis for restriction and discussed why the restriction requirement should be withdrawn.

In view of the foregoing remarks, reconsideration of the restriction requirement is respectfully requested.

If the Examiner is of the opinion that a telephone conference with Applicants' attorney would expedite matters, such a conference is invited.

Respectfully submitted,



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